

April 4, 1979

## CONGRESSIONAL RECORD—SENATE

proceedings under 42 U.S.C. § 7425, Section 125 of the Clean Air Act; and

Whereas, The producers of Ohio coal have asked EPA to issue orders under Section 125 which would prevent the Ohio electric utilities from complying with their sulfur dioxide emission limitations by the use of low sulfur coal produced in West Virginia; and

Whereas, Based on filings by the Ohio electric utilities with EPA, any order under Section 125 requiring those utilities to use only Ohio produced coal would jeopardize the annual sale of approximately six million tons of West Virginia produced coal beginning in 1980, which would represent a significant annual loss to the West Virginia economy; and

Whereas, EPA's authority under Section 125 is limited to prohibition of "other than locally or regionally available coal";

Now, therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature of the State of West Virginia expresses its opposition to the manner in which EPA is applying Section 125 to monopolize and create special preference in the Ohio electric utility coal market in favor of Ohio coal producers. It is clear from the plain language and the legislative history of Section 125 that this section was not intended to create barriers to the free trade of West Virginia coal into West Virginia coal producers' normal markets in neighboring states, such as Ohio nor was this section envisioned as a means to empower EPA to embargo against the shipment of West Virginia coal into Ohio to protect Ohio coal interests. Furthermore, in the interests of a strong coal industry as an important part of the nation's energy policy, it would be unsound to apply Section 125 to Balkanize coal trade into a series of state markets for the purpose of shielding the Ohio coal industry from competition from West Virginia and other state producers, and be it

*Resolved further,* That the Legislature of the State of West Virginia urges the Environmental Protection Agency to define "local or regionally available coal" consistent with the intent of Congress which is in a fashion that recognizes the market traditionally shared by the many coal suppliers in a multi-state region encompassing the states of West Virginia, Ohio and others so that West Virginia coal can be sold to its utility customers in the neighboring state of Ohio, and be it

*Resolved further,* That copies of this resolution be sent to President Jimmy Carter, EPA Administrator Douglas Costle, and West Virginia's Congressional delegation.

#### A SOUND ALTERNATIVE TO NUCLEAR POWER

Mr. ROBERT C. BYRD. Mr. President, in analyzing the implications of the accident at the Three Mile Island nuclear power plant for our future energy policy, a New York Times writer concluded that—

A nuclear solution to the country's energy problem is in jeopardy—at a time when no other options look any more promising.

Let this become part of the "conventional wisdom," I want to make several points.

While it may be true that a nuclear solution to our energy problem has been jeopardized, the lack of a promising option is not the reason why.

Coal is one such an option. It does not contain the potential for disaster that nuclear power does. It is safe and stable, and can become a clean-burning fuel

through reliable technology now within our reach.

Clearly, a fresh look at this overlooked resource is warranted if the United States is to have a safe and dependable energy supply. A major reassessment of Federal energy priorities is needed. We cannot ignore the serious questions which arise concerning the role of nuclear power in our Nation's future energy policy. Prudence requires a careful re-examination of a policy which envisions widespread reliance on nuclear power.

It can no longer be said by the nuclear industry and its supporters that the odds of a serious accident are infinitesimal. The Three Mile Island accident is the latest in a series of disturbing events related to nuclear power. In January, the Nuclear Regulatory Commission repudiated the Rasmussen report, which had severely underestimated the probability of a major nuclear accident. Last month, the NRC shut down five nuclear plants when a possible deficiency in their ability to withstand earthquakes was discovered.

The dangers of nuclear power are manifest. No matter how sophisticated the safety systems can become, the fact remains that one accident is all that it takes to call the safety of all nuclear power facilities into question. One accident can be catastrophic.

The predominant part of the Federal Government's energy research efforts have gone into nuclear power, with other energy sources, such as coal, receiving minimal research funding by comparison. There are difficulties related to mining coal and burning coal, but we should be devoting our efforts to resolving these problems, which I believe are solvable in the short term. These are the kinds of problems on which we should be concentrating our research efforts.

Perhaps coal does not seem to be an attractive option, because in this era of high technology it is looked upon as old-fashioned. In our fascination with exotic or sophisticated technology, we must not overlook the best bet we have.

#### NEW YORK TIMES PUBLISHES NATIONAL SECRETS

Mr. STEVENS. Mr. President, I have noted the story on the front page of the New York Times for Wednesday, April 4, and I congratulate the Times on being able to broadcast the top secret information that the U.S. intelligence community was just yesterday in the process of relating to Members of Congress. It is the story about the use of the modified U-2 plane to monitor Soviet missile testing.

Obviously, the administration seems to think that by releasing this information, it will have some impact on the SALT II verification problem that has been raised by many of us who have reviewed the proposed Strategic Arms Limitation Treaty known as SALT II.

The story is unique not only in that it discloses plans to use the modified U-2 plane and where its missions would originate from, but also in that it contains background information from uniden-

tified sources, referred to as "officials," which is even more classified than the U-2 story itself.

I think the administration had better do something about the information sieve that exists, or the U.S. may not have any intelligence capability left. Many of us in the Senate are getting quite disturbed over the proposed SALT II Treaty, because of the inability to verify the agreements that would be entered into, and I think we can liken that agreement to agreements that were made in the naval field after World War I.

This story, and I say this as one who is involved in the appropriations process of the U.S. Senate, has shocked me more than any other story I have read in any American newspaper over the 11 years in which I have served in this body relative to the disclosure of classified information.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### UNITED STATES MAY USE MODIFIED U-2 PLANE TO MONITOR SOVIET MISSILE TESTING

(By Richard Burt)

WASHINGTON, April 3.—The Carter Administration plans to try to compensate for the loss of two American electronic listening posts in northern Iran by using a modified version of the U-2 spy plane to monitor missile tests in the Soviet Union, officials said today.

This plan was described as a stopgap measure to verify Soviet compliance with any new treaty limiting offensive nuclear arms until a new generation of satellites could be developed to intercept Soviet test signals. The officials said it would take more than two years to develop and deploy such missiles.

The plane, which has a maximum altitude of 90,000 feet, would fly over areas close to the Soviet Union's southwestern border but would not be used over Soviet territory. The officials declined to discuss where the aircraft would be based or what countries it would fly over, but it is known that U-2's have used the British air base at Akrotiri in Cyprus for reconnaissance missions in the Middle East.

#### PLANS IN EARLY STAGE

In the late 1950's, U-2's were also stationed in Pakistan and Turkey, but officials indicated it was unlikely that those two countries would allow the plane to use bases there once again or even to fly over their territory. The officials added, however, that plans to use the U-2 in the region were at an early stage and that the governments there had not been asked for their cooperation.

In 1960, the downing of a U-2 flown by Francis Gary Powers over Soviet territory precipitated a major international crisis. The plane's base was in Turkey. After the incident, Nikita S. Khrushchev, the Soviet leader, canceled a meeting with President Dwight D. Eisenhower.

Until Central Intelligence Agency technicians were forced to evacuate the Iranian listening posts last month, the stations had been used to intercept radio signals broadcast by missiles launched from the Soviet Union's main rocket base at Tyuratam, some 600 miles north of the Iranian border.

These radio signals are viewed as a modernization and thus the Administration recently undertook a hurried study of how to collect the test data by other means. The study was given added urgency by private warnings from Senator John Glenn, Democrat of Ohio, and others that the Senate